

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

January 10, 2005

- C044064 THE PEOPLE v. CRANNEY (Not for Publication)**
The judgment is modified... As modified, the judgment is affirmed.
DAVIS, Acting P.J.
We Concur: Nicholson, J.
Robie, J.
- C045087 THE PEOPLE v. ARREGUIN (Not for Publication)**
The trial court is directed to prepare an amended abstract of judgment... and to forward a certified copy of the amended abstract to the Department of Corrections. The judgment is affirmed.
BUTZ, J.
We Concur: Davis, Acting P.J.
Robie, J.
- C045844 THE PEOPLE v. HOWARD (Not for Publication)**
The matter is remanded for resentencing. In all other respects, the judgment is affirmed.
ROBIE, J.
We Concur: Sims, Acting P.J.
Nicholson, J.
- C047235 In re ALICIA G.; SACRAMENTO DEPARTMENT OF HEALTH AND HUMAN SERVICES v. LAWRENCE G. (Not for Publication)**
The orders denying appellant's petition for modification and terminating his parental rights are affirmed.
HULL, J.
We Concur: Raye, Acting P.J.
Morrison, J.
- C043908 THE PEOPLE v. DEFARIA**
BY THE COURT:
Appellant's petition for rehearing is denied.
DAVIS, Acting P.J.
- C044220 THE PEOPLE v. CRELLER**
BY THE COURT:
Appellant's petition for rehearing is granted. The decision filed on December 14, 2004, is vacated.
BLEASE, Acting P.J.

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The Minutes

January 11, 2005

- C043956 THE PEOPLE v. GRACIAN (Not for Publication)**
The judgment is affirmed.
NICHOLSON, J.
We concur except as to part VI, in which we concur in the result...
Scotland, P.J.
Sims, J.
- C044693 THE PEOPLE v. BALDOBINOS (Not for Publication)**
The judgment is modified... As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections.
NICHOLSON, J.
We Concur: Blease, Acting P.J.
Raye, J.
- C045716 THE PEOPLE v. CONN (Not for Publication)**
The judgment is affirmed.
ROBIE, J.
I Concur: Sims, Acting P.J.
I concur in the opinion except as to part I in which I concur in the result.
Hull, J.
- C046041 THE PEOPLE v. WYMAN (Not for Publication)**
The trial court's order that defendant pay \$400 in attorney fees is stricken... As modified, the judgment is affirmed.
Raye, Acting P.J.
We Concur: Morrison, J.
Hull, J.
- C046395 THE PEOPLE v. HINKEL (CERTIFIED FOR PUBLICATION)**
The order is affirmed.
HULL, J.
We Concur: Blease, Acting P.J.
Nicholson, J.
- C046461 THE PEOPLE v. SIMMS (Not for Publication)**
The judgment is affirmed.
ROBIE, J.
I Concur: Sims, Acting P.J.
I concur in the opinion except as to part III in which I concur in the result.
HULL, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
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The Minutes

January 11, 2005, continued

C044651 GIOVATI v. SALEM COMMUNICATIONS CORPORATION
(Not for Publication)

The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Davis, J.
 Nicholson, J.

C045983 SHASTA COUNTY DEPARTMENT OF CHILD SUPPORT SERVICES v. KIRCH
(Not for Publication)

The March 17, 1997, judgment (order) is affirmed. The parties shall bear their own costs on appeal. (Fam. Code § 4203 [county agency's enforcement expenses are a charge upon the county].)
SIMS, Acting P.J.
We Concur: Davis, J.
 Nicholson, J.

C046333 PENN-AMERICA INSURANCE COMPANY v. MIKE'S TAILORING
(CERTIFIED FOR PUBLICATION)

The judgment is reversed. Appellant shall recover costs on appeal.
BLEASE, Acting P.J.
We Concur: Raye, J.
 Morrison, J.

**C047744 In re M.T. et al.; YOLO COUNTY DEPARTMENT OF EMPLOYMENT AND
SOCIAL SERVICES v. STACEY T. (Not for Publication)**

The order terminating appellant's parental rights is affirmed.
RAYE, J.
We Concur: Scotland, P.J.
 Morrison, J.

C046686 THE PEOPLE v. ARNOLD

THE COURT:

It is ordered that the unpublished opinion filed in this case on December 22, 2004, be modified...

...This modification does not change the judgment.

FOR THE COURT:

SCOTLAND, P.J.
DAVIS, J.
NICHOLSON, J.

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The Minutes

January 12, 2005

- C044039 THE PEOPLE v. DOTSON (Not for Publication)**
The judgment is affirmed.
BUTZ, J.
We Concur: Scotland, P.J.
Robie, J.
- C045006 THE PEOPLE v. MORGAN et al. (Certified for Partial Publication)**
The convictions for violating Health and Safety Code section 11377, subdivision (a) are reversed. In all other respects the judgments are affirmed.
MORRISON, J.
I Concur: Davis, Acting P.J.
I concur in the result:
Raye, J.
- C046555 THE PEOPLE v. FOWLER (Not for Publication)**
The judgment is affirmed.
RAYE, Acting P.J.
We Concur: Morrison, J.
Hull, J.
- C047072 In re L.C.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. KARIE N. (Not for Publication)**
The orders are affirmed.
RAYE, Acting P.J.
We Concur: Morrison, J.
Hull, J.
- C037332 UHRICH v. AMERICAN HOME ASSURANCE COMPANY (Not for Publication)**
THE COURT:
It is ordered that the opinion filed herein on December 15, 2004, be modified...
... This modification does not change the judgment.
Plaintiff's petition for rehearing is denied.
FOR THE COURT:
SCOTLAND, P.J.
NICHOLSON, J.
MORRISON, J.

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The Minutes

January 12, 2005, continued

C041384 HODGSON et al. v. BANNER LIFE INSURANCE COMPANY et al.
(CERTIFIED FOR PUBLICATION)

THE COURT:

It is ordered that the opinion filed herein on December 15, 2004, be modified...

...This modification changes the judgment.

Poage's petition for rehearing is denied.

BY THE COURT:

RAYE, Acting P.J.

HULL, J.

BUTZ, J.

**C047109 In re FELIPE M.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. VIRGINIA R.**

BY THE COURT:

Appellant's petition for rehearing is denied.

SIMS, Acting P.J.

January 13, 2005

C046706 THE PEOPLE v. COUTLER (Not for Publication)

The judgment is affirmed.

HULL, J.

I Concur: Morrison, J.

I concur on the ground the *Harvey* waiver admitted facts outside the rule of *Blakely*.

Blease, Acting P.J.

**C044814 RECLAMATION DISTRICT NO. 684 v. STATE DEPARTMENT OF
INDUSTRIAL RELATIONS et al. and FOUNDATION FOR FAIR
CONTRACTING (Certified for Partial Publication)**

The judgment is affirmed.

BLEASE, Acting P.J.

We Concur: Morrison, J.

Robie, J.

C045534 REIGELSPERGER et al. v. SILLER (Certified for Partial Publication)

The order denying the petition for arbitration is affirmed. The Reigelspergers are awarded their costs on appeal. (Cal. Rules of Court, rule 27(a) (1).)

BLEASE, Acting P.J.

We Concur: Hull, J.

Butz, J.

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January 13, 2005, continued

C045900 In re JOHN E.; THE PEOPLE v. JOHN E. (Not for Publication)

The judgment is affirmed.

HULL, J.

We Concur: Sims, Acting P.J.

Butz, J.

January 14, 2005

C043341 THE PEOPLE v. MARTINEZ (Not for Publication)

The judgment is affirmed.

SIMS, J.

I concur in the judgment and in the opinion except as to Part VIII of the
Discussion, as to which I concur in the result...

Blease, Acting P.J.

I concur in the opinion except as to part VIII, as to which I concur in the result.

Raye, J.

C043104 THE PEOPLE v. JOHNSON (Not for Publication)

THE COURT:

It is ordered that the opinion filed herein on December 27, 2004, be
modified...

... There is no change in the judgment.

Appellant's petition for rehearing is denied.

RAYE, Acting P.J.

HULL, J.

ROBIE, J.